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PETITION FOR REVIVAL OF AN INTERNATIONAL APPLICATION FOR PATENT DESIGNATING THE U.S. ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)	Docket Number (Optional) 007-001
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First named inventor: **SABARATNAM SABANATHAN**

International (PCT) Application No.: **PCT/GB98/00652** U.S. Application No.: **Unassigned**
(if known)

Filed: **3 March 1998**

Title: **OCCCLUSION DEVICE**

Attention: PCT Legal Staff
Box PCT
Assistant Commissioner for Patents
Washington, D.C. 20231

RECEIVED

09 MAR 2001

**Legal Staff
International Division**

The above-identified application became abandoned as to the United States because the fees and documents required by 35 U.S.C. 371(c) were not filed prior to the expiration of the time set in 37 CFR 1.494(b) or (c) or 1.495(b) or (c) as applicable. The date of abandonment is the day after the date on which the 35 U.S.C. 371(c) requirements were due. See 37 CFR 1.494(g) or 1.495(h).

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee
- (2) Proper reply
- (3) Terminal disclaimer with disclaimer fee--required for all international applications having an international filing date before June 8, 1995; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☒ Small entity - fee \$ **620.00** (37 CFR 1.17(m)). Applicant claims small entity status.
See 37 CFR 1.27.

☐ Other than small entity - fee \$ _____ (37 CFR 1.17(m))

2. Proper reply

A. The proper reply (the missing 35 U.S.C. 371(c) requirement(s) in the form of
U.S. National Phase Filing (Form PTO-1390) (identify type of reply):

- ☐ has been filed previously on _____
☒ is enclosed herewith.

02/15/2001 UEDUWIJE 00000066 09762692

03 FC:241

620.00 OP

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 1.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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PTO/SB/64/PCT (10-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

- ☒ Since this international application has an international filing date on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$_____ for a small entity or \$_____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. Statement. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

2/9/01

Date

Telephone
Number: (415) 412-3322

Jens E. Hoekendijk

Signature

Jens E. Hoekendijk

Typed or printed name

P.O. Box 4787

Address

Burlingame, CA 94011-4787

Enclosures: ☒ Response
☒ Fee Payment
☐ Terminal Disclaimer Form
☒ Declarations Supporting Petition

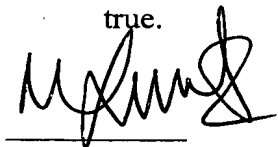
The law office of
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265 San Anselmo Avenue
San Francisco, CA 94127

DECLARATION BY MARK LUNT

1. I, Mark Lunt, am an attorney representing the Bradford Hospitals NHS Trust ("Trust").
2. I drafted a U.K. Patent Application with the sole inventor being Dr. Sabarantham Sabanathan.
3. When the patent application was being prepared, a dispute existed between the Trust and Dr. Sabanathan over ownership of the application. Dr. Sabanathan asserted that he was entitled to exclusive rights in the application.
4. Unfortunately, Dr. Sabanathan died the day before the U.K. Patent Application was filed. The application was given the number 9708681.3 and a filing date of 30 April 1997.
5. After Dr. Sabanathan's death, the wife and heir of Dr. Sabanathan, Thirumani Sabanathan, permitted the Trust to take the lead in developing the idea commercially without settling the ownership issue.
5. I filed a PCT Application based on the UK Application naming Thirumani Sabanathan as applicant for the U.S. and the Trust as applicant for all other countries. Thirumani Sabanathan executed a Power of Attorney for me in the PCT application. That was filed on 3 March 1998 and given the number PCT/GB98/00652. It was published on 5 November 1998 under the number WO98/48706.
6. I did not inform Thirumani Sabanathan when the U.S. National Phase Application deadline was approaching or when it had passed.
7. Due to my mistaken belief that the Trust owned all patent rights, I followed instructions by the Trust not to file a U.S. National Phase Application.
9. I, Mark Lunt, understand that willful false statements are punishable by fine or imprisonment or both under 18 USC Section 1001 and may jeopardize the validity of the application or any patent issuing therefrom. All statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true.



Mark Lunt

16 November 2000

Date

of: Sabaratnam Sabanathan

For: OCCLUSION DEVICE

DECLARATION BY THIRUMANI SABANATHAN IN SUPPORT OF PETITION FOR LATE ENTRY INTO U.S. NATIONAL PHASE

1. I, Thirumani Sabanathan, am the widow and heir of Dr. Sabaratnam Sabanathan.
2. To the best of my knowledge information and belief, my late husband, Dr. Sabanathan, is the sole inventor on the priority UK Patent Application and PCT application. My husband worked as a senior consultant surgeon for the Bradford Hospitals NHS Trust ("Trust") at the time.
3. A PCT Application was filed for the UK patent application by Mark Lunt, an attorney for the Trust.
4. I was named as the Applicant for the United States and the Trust was named as the Applicant in all other countries. I signed a power of attorney to Mark Lunt.
5. I was never informed by Mark Lunt of the U.S. National Phase filing deadline.
6. I did not learn that the U.S. National Phase filing deadline had passed until I was approached by a third party and learned that it had passed.
7. I hereby petition for late entry into the U.S. National Phase.
8. I, Thirumani Sabanathan, understand that willful false statements are punishable by fine or imprisonment or both under 18 USC Section 1001 and may jeopardize the validity of the application or any patent issuing therefrom. All statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true.



Date: 19/1/01

Thirumani Sabanathan